

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	NOS. CR-07-2063-LRS-1
Respondent,	)	CR-07-2065-LRS-1
	)	CR-07-2066-LRS-2
-vs-	)	CR-07-2114-LRS-1
	)	
GLEN RAY BRIGGS,	)	<b>ORDER DENYING MOTIONS FOR</b>
	)	<b>RECONSIDERATION</b>
Petitioner.	)	
	)	

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**BEFORE THE COURT** is Petitioner's handwritten letters filed<sup>1</sup> in four above-identified cases (**ECF Nos. 513, 514** in CR-07-2063-LRS-1; **ECF No. 216** in CR-07-2065-LRS-1; **ECF No. 393** in CR-07-2066-LRS-2; and **ECF No. 422** in CR-07-2114-LRS-1) on September 3, 2014, and September 30, 2014, which letters this court construes to be motions for reconsideration of this court's "Order Dismissing 28 U.S.C. §2255 Motions," entered on August 22, 2014. The motions are submitted by Glen Ray Briggs, who is appearing *pro se* for the purposes of these proceedings. Petitioner also again requests counsel to be appointed. Petitioner did not note the instant motion pursuant to local rules.

To the extend Petitioner is requesting a motion for reconsideration,

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<sup>1</sup>The court filed Mr. Briggs' first letter in all four cases for which the "Order Dismissing 28 U.S.C. §2255 Motions" was entered in and filed the second letter in CR-07-2063-LRS-1 based on the contents of the letter referring to that case only.

1 the court notes that such motions for reconsideration serve a limited  
2 function. Under the Federal Rules of Civil Procedure, motions for  
3 reconsideration may be made pursuant to Rule 59(e). The major grounds  
4 for granting a motion to reconsider a judgment are: (1) intervening  
5 change of controlling law; (2) availability of new evidence; and (3) the  
6 need to correct clear error or prevent manifest injustice. *School*  
7 *District No. 1J, Multnomah County Oregon v. AcandS, Inc.*, 5 F.3d 1255,  
8 1263 (9th Cir.1993); *Duarte v. Bardales*, 526 F.3d 563, 567 (9th Cir.  
9 2008). Mr. Briggs does not contend that there is newly discovered  
10 evidence or that controlling law has changed. Instead Mr. Briggs  
11 continues to re-argue, for identical reasons voiced in his §2255 motion,  
12 that his attorney Mr. Gardner deprived him of his constitutional right  
13 to effective assistance of counsel. Mr. Briggs restates that he would not  
14 have pleaded guilty if his attorney had not misadvised, misled and  
15 misrepresented that he "would be able to go for sentence intrapment  
16 [sic]." ECF No. 393 at 1.

17 A motion for reconsideration is not appropriately brought to present  
18 arguments already considered by the court. *Backlund v. Barnhart*, 778  
19 F.2d 1386, 1388 (9th Cir.1985). For all the foregoing reasons, the court  
20 respectfully denies Petitioner's motions for reconsideration.

21 Mr. Briggs also inquires in his September 30<sup>th</sup> letter whether he can  
22 be resentenced or provided relief presumably through retroactive  
23 application of the United States Sentencing Commission's amendment  
24 reducing the offense levels in the Drug Quantity Table by two levels. ECF  
25 No. 514 at 2. At this time, relief pursuant to 18 U.S.C. § 3582 is  
26 deemed not ripe for consideration. In so noting, the Court expresses no

1 opinion concerning the amendment or whether it has any application to Mr.  
2 Briggs' convictions. Accordingly,

3 **IT IS ORDERED** that:

4 1. Mr. Briggs' motions for reconsideration, **ECF Nos. 513, 514** in  
5 CR-07-2063-LRS-1; **ECF No. 216** in CR-07-2065-LRS-1; **ECF No. 393** in  
6 CR-07-2066-LRS-2; and **ECF No. 422** in CR-07-2114-LRS-1), are **DENIED**.

7 2. The District Court Executive is directed to:

8 (a) File this Order; and

9 (b) Provide a copy to Petitioner **AND TO** the United States  
10 Attorney, Yakima, Washington.

11 **DATED** this 22nd day of October, 2014.

12  
13 ***s/Lonny R. Suko***

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LONNY R. SUKO  
15 SENIOR UNITED STATES DISTRICT JUDGE  
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